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Attorneys for Fariborz Pakseresht and Ashley Carson-Cottingham

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

PAUL KWAKE, an individual, ROBERT
GEORGE VINDHURST, an individual, and
Gary Romine, an individual,

Plaintiffs,

v.

FARIBORZ PAKSERESHT, in his official
capacity as Director of Human Services, State
of Oregon; and ASHLEY CARSON-
COTTINGHAM, in her official capacity as
Director of Office of Aging and People with
Disabilities, a division within the Department
of Human Services, State of Oregon; and
JODY N. CLINE, in her capacity as Director
of Senior and Disability Services, a division
within the Lane Council of Governments,

Defendants.

Case No. 6:18-cv-00603-JR

STATE DEFENDANTS' MOTION FOR
EXTENSION OF TIME

Expedited Consideration Requested

LR 7-1 Certificaton

Pursuant to LR 7-1(a)(1), the undersigned counsel has conferred with *pro se* plaintiff Paul Kwake and *pro se* plaintiff Gary Romine about the subject of this motion. Neither Mr. Kwake nor Mr. Romine opposes the extension requested. The undersigned counsel has also attempted to confer with *pro se* plaintiff Mr. Vindhurst, but Mr. Kwake explained that Mr. Vindhurst is unavailable because he is in the hospital.

MOTION

Defendants Fariborz Pakseresht and Ashley Carson-Cottingham (“State Defendants”) move for an order extending the time for filing their response to the complaint by three weeks from May 2, 2018, to May 23, 2018.

This motion is supported by the following points and authorities.

POINTS AND AUTHORITIES

Plaintiffs are three *pro se* individuals, two of whom receive adult foster care services from the State of Oregon and one of whom (Mr. Kwake) is their adult foster care provider. Plaintiffs seek injunctive relief that would, in effect, result in the payment to Mr. Kwake of additional funds to serve the two plaintiffs in his care. Plaintiffs assert claims under the Due Process Clause, the Americans with Disabilities Act (“ADA”), the Rehabilitation Act, and the Social Security Act.

State Defendants seek additional time to respond to the complaint to enable their counsel sufficient time to investigate the claims and develop a thorough and thoughtful response. The analysis of the complaint in this case is complicated by the fact that many of the allegations appear to have been lifted from the complaint in another case, *C.S. v. Saiki* (USDC 6:17-cv-00564-MC), involving a completely dissimilar program run by another office within Department of Human Services. Plaintiffs have also filed a motion for preliminary injunction in this case. Though State Defendants have not yet received a copy of the motion, plaintiff Mr. Kwake did forward counsel for State Defendants a proposed motion prior to filing. Accordingly, counsel for

State Defendants have spent time evaluating the proposed motion rather than solely focusing on the response to the complaint.

An extension is needed for other reasons as well. Both counsel assigned to this case have cases with other pressing deadlines such as *Jarlstrom v. Aldridge* (USDC 3:17-cv-00652-SB), in which the discovery deadline is May 4 and in which much work remains to be done before that date, *Lone Rock v. Oregon Department of State Lands* (Marion County Circuit Court 17cv27826) in which the parties are engaged in document discovery and in which the State recently filed a petition for writ of mandamus in the Oregon Supreme Court, *Braymen et al v. Water Resources Dept.* (Harney County Circuit Court 02-06-134-cv) in which the State's written closing argument is due May 1 on the petitioners' motion for contempt, and *TPC, LLC v. Water Resources Dept.* (Marion County Circuit Court 16CV27427) in which the State just filed its objection to a petition for attorney fees and costs under the Oregon Administrative Procedures Act. The press of other business has, therefore, precluded counsel for the State Defendants from devoting as much time as would have been necessary to prepare the response to the complaint in this matter within 21 days from service.

For these reasons, the State Defendants request until May 23 to file a response to the complaint. This motion is made in good faith and not for the purpose of delay.

DATED April 30, 2018.

Respectfully submitted,

ELLEN F. ROSENBLUM
Attorney General

s/ Christina L. Beatty-Walters

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Of Attorneys for Fariborz Pakseresht and
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CERTIFICATE OF SERVICE

I certify that on April 30, 2018, I served the foregoing STATE DEFENDANTS' MOTION FOR EXTENSION OF TIME upon the parties hereto by the method indicated below, and addressed to the following:

Paul Kwake
Robert George Vindhurst
Gary Romine
1865 17th St, Apt C
Springfield, OR 97477
Pro se Plaintiff

☐ HAND DELIVERY
☒ MAIL DELIVERY
☐ OVERNIGHT MAIL
☐ TELECOPY (FAX)
☒ E-MAIL
☐ E-SERVE

s/ Christina L. Beatty-Walters

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